EXPLANATORY MEMORANDUM TO

The Witness Charter (Justice Act (Northern Ireland) 2015) Order (Northern Ireland) 2017

2017 No.

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 31(3) of the Justice Act (Northern Ireland) 2015 and is subject to the draft affirmative resolution procedure under section 102(5) of that Act.

2. Purpose

2.1. The purpose of the Order is to bring the Witness Charter, a Charter for witnesses of criminal conduct under the Justice Act (Northern Ireland) 2015, into operation. The Witness Charter sets out the entitlements and standards that will apply to witnesses of crime, by a range of criminal justice service providers in Northern Ireland. It also sets out how witnesses will be dealt with by defence legal representatives.

3. Background

3.1. As part of the five-year Victim and Witness Strategy, and the associated 2015-18 action plan, the Department gave a commitment to provide for a Witness Charter on a statutory footing, which would set out how witnesses of crime should be treated and the standards of service to be provided.

3.2. Under sections 30(1) and 31(2) of the Justice Act (Northern Ireland) 2015 the Department must prepare and issue a Witness Charter. The Department must also lay the Witness Charter before the Assembly under section 31(2) of that Act.

4. Consultation

4.1. Both the five year Victim and Witness Strategy, and the associated Witness Charter, were subject to public consultation taking account of the views of key stakeholders, interested parties and victims and witnesses. There was strong support for the victim and witness strategy. There was also broad support for the Witness Charter, the witness journey approach adopted in it and the range of entitlements and standards set out in the Charter. The Witness Charter gives effect to a key recommendation in the Justice Committee's Inquiry, into the Criminal Justice Services available to victims and witnesses of crime in Northern Ireland.

5. Equality Impact

5.1. The Witness Charter, which this Order brings into operation, is available to all section 75 categories who are victims of crime. No category is excluded from accessing the services available, so the measure was screened out by the Department.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not carried out as the Order will largely place on a statutory footing, services that are already being provided on an administrative basis. It should have no additional impact on business, charities or voluntary bodies.

7. Financial Implications

7.1. The Witness Charter is not expected to have an additional financial impact on criminal justice agencies, or our voluntary sector partners, over and above that which is already imposed by the provision of current services on an administrative basis. Implementation costs have been met from within existing budgetary provision.

8. Section 24 of the Northern Ireland Act 1998

8.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. None associated with the draft Order or the associated witness Charter.

10. Parity or Replicatory Measure

10.1. This Order aligns with legislation in place in England and Wales for their Victim Code - The Domestic Violence, Crime and Victims Act 2004 (Victims' Code of Practice) Order 2013. While a Witness Charter is in place in England and Wales this has not been placed on statutory footing.

11. Additional Information

11.1. The Witness Charter is laid at the Assembly at the same time as this Order.